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**DEC 21 2005**

**OFFICE OF PETITIONS**

In re	:	DECISION REGARDING
Takemoto, et al.	:	PATENT TERM ADJUSTMENT
Application No. 09/925,789	:	AND NOTICE OF INTENT TO
Filed: August 10, 2001	:	ISSUE CERTIFICATE OF
Attorney Docket No. 074129-	:	CORRECTION
0486	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 35 U.S.C. §154(b)", filed May 23, 2005. Applicants request that the patent term adjustment under 35 U.S.C. 154(b) be corrected to add one (1) day of PTA.

The application for patent term adjustment is **GRANTED**.

The patent term adjustment indicated on the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of **seven hundred one (701) days**.

On February 25, 2005, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above identified application. The Notice stated that the patent term adjustment (PTA) to date was five hundred thirty (530) days. On

May 23, 2005, applicants timely<sup>1</sup> submitted an application for patent term adjustment, asserting that the correct number of days of PTA at the time of the mailing of the Notice of Allowance is seven hundred nineteen (719) days. Applicants stated that the patent issuing from the application was not subject to a terminal disclaimer.

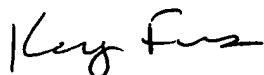
The application for patent term adjustment was granted in a decision mailed on October 3, 2005. However, Office records (and the attached PALM Intranet printout) incorrectly reflected that the PTA was only seven hundred eighteen (718) days. Accordingly, applicants filed the instant request for reconsideration on November 15, 2005.

The application is scheduled to issue as patent No. 6,981,680 on January 3, 2006, with a PTA of seven hundred (700) days (reflecting the 120 days of applicant delay for filing an IDS on June 17, 2005, and the 102 days of PTO delay in issuing the patent more than four months after payment of the issue fee). However, in light of the previous error above, a certificate of correction is appropriate.

Given the basis for granting this decision, no fee was required.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify the error regarding the patent term information. See 35 U.S.C. § 254 and 37 CFR 1.322. The certificate of correction will indicate that the term of the above-identified patent is extended or adjusted by **seven hundred one (701) days** subject to any disclaimers.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.



Kery Fries  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of Deputy Commissioner  
for Patent Examination Policy

Enc: draft Certificate of Correction

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<sup>1</sup> Applicants filed the PTA application with the issue fee.